

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JEFFREY CHARLES WREN,

Plaintiff,

v.

MAIL ROOM TRUST STAFF, *et al.*,

Defendants.

No. 1:21-cv-01486-NONE-BAM (PC)

ORDER DISMISSING ACTION WITHOUT
PREJUDICE FOR FAILURE TO PAY FILING
FEE AND FAILURE TO OBEY COURT
ORDER

(Doc. No. 13)

Plaintiff Jeffrey Charles Wren is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983.

On October 7, 2021, the assigned magistrate judge issued findings and recommendations recommending that plaintiff's application to proceed *in forma pauperis* be denied and that plaintiff be required to pay the filing fee in full to proceed with this action because he is able to afford the costs of this action. (Doc. No. 8.) Plaintiff filed objections stating that he pre-paid for eight civil rights actions, and appeared to indicate that he has funds deposited with the court and he would like a portion of those funds to be withdrawn to pay the filing fee for this action. (Doc. No. 13.)

On November 2, 2021, the undersigned issued an order adopting the findings and recommendations in full and ordering plaintiff to pay the \$402.00 filing fee in full within twenty-one (21) days. (Doc. No. 13.) As plaintiff had not attached receipts or other proof that any funds

1 had been deposited with the court, plaintiff was informed that he could pay the filing fee for this
2 action using funds from his inmate trust account or using funds from those deposited with the
3 court, if any exist. In that order, plaintiff was also warned that failure to pay the filing fee within
4 the specified time would result in dismissal of this action. (*Id.* at 2.)

5 On November 10, 2021, plaintiff filed a document titled “Cancel – Dismiss – Terminate
6 Case.” (Doc. No. 14.) As it was unclear based on the content of the filing whether plaintiff
7 intended to voluntarily dismiss this action or whether plaintiff was seeking some other form of
8 relief, the magistrate judge ordered plaintiff to clarify his intent. (Doc. No. 15.) Thereafter,
9 plaintiff filed a response in the form of a letter to the Clerk of the Court that appeared to indicate
10 plaintiff’s belief that he had pre-paid for the filing fee in this action, (Doc. No. 16), an argument
11 already rejected by the undersigned.

12 On December 1, 2021, plaintiff submitted an additional response that appeared to indicate
13 his refusal to pay the filing fee for this suit, his disagreement with the existence of a filing fee
14 requirement for section 1983 actions, and again raised the argument that he already pre-paid for
15 eight civil rights actions. (Doc. No. 17, p. 2.)

16 The court has already rejected plaintiff’s arguments regarding the alleged pre-payment of
17 filing fees, and plaintiff’s responses have not provided any additional proof that any funds have
18 been deposited with the court. Plaintiff’s argument that there is no requirement to pay a filing fee
19 for a civil rights action is without merit. Finally, based on plaintiff’s apparent indication that he
20 refuses to pay the filing fee for this action, the court finds that plaintiff has failed to obey the
21 court’s order and pay the appropriate filing fee, and this case cannot proceed. This matter will be
22 dismissed. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1260–61 (9th Cir. 1992).

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Accordingly,

1. This action is dismissed, without prejudice, for plaintiff's failure to comply with the court's order of November 2, 2021, (Doc. No. 13), and his failure to pay the filing fee; and
2. The Clerk of the Court is directed to terminate all pending motions, assign a district judge to this case for the purpose of closing the case, and then to close this case.

IT IS SO ORDERED.

Dated: **January 5, 2022**


UNITED STATES DISTRICT JUDGE